FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7485 OF 2005

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Shri.R.G.Ketkar for the Petitioner.

CORAM : R.S. MOHITE,J.
DATED : 22.11.2005.

P.C.

1. By this petition, the petitioner impugns an order passed by the III Joint Civil Judge, S.D. Pune on 26.11.2004 granting conditional leave to defend to the petitioner. He had been granted leave in a Summary suit subject to his depositing an amount of Rs.1.40,000/- in the court on or before 3.1.2005.The record indicates that because of non deposit, a judgment and decree came to be passed in the said Summary Suit on 1.2.2005 by the 10th Joint Civil Judge, S.D. Pune. The petitioner thereafter, filed Regular Civil Appeal No.230/2005 and preferred

an application for stay. The execution of the decree has been stayed by the District Court in the appeal subject to the petitioner depositing an amount of Rs.1,00,000/- on or before 8.9.2005 and giving further security for the amount of Rs.60,000/-. Even this direction has not been complied with and this order of the District Court is also challenged in this petition. It is argued that the petitioner had lodged complaint with the Satara Police Station as well as Branch Manager of the Bank to the effect that he had lost signed cheques and signed stamp papers. In my view, conditional leave was correctly granted. Such a defence could have been deliberately created and would have to be proved by leading evidence. The summary suit has been dismissed. I find no fault in the order passed by the Trial or Appellate courts. In the circumstances, there is no substance in the petition and the same is summarily rejected.

(R. S. MOHITE, J.)